

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AMAYA MARTIN

Plaintiff,

v.

STATE OF CALIFORNIA, *et al.*,

Defendants.

Case No. 2:24-cv-3380-JDP (P)

ORDER; FINDINGS AND
RECOMMENDATIONS

Defendants California, California Department of Corrections and Rehabilitation, California Institutions for Women, and Officer Davis removed this action from Sacramento Superior Court on the basis of federal question jurisdiction. ECF No. 1. Plaintiff moves to remand, ECF No. 7; defendants do not oppose remand, ECF No. 8. I recommend that the matter be remanded.

Plaintiff, a former inmate, filed this action on September 12, 2024, in Sacramento County Superior Court. ECF No. 1 at 7. The complaint brings six state causes of action and one federal—violation of the Eighth Amendment. *Id.* at 17-29. On December 4, 2024, defendants removed this action on the basis of federal question jurisdiction. *Id.* at 2. Plaintiff then filed an amended complaint, wherein she deleted her federal claim. ECF No. 6. Shortly thereafter, she filed the instant motion to remand. ECF No. 7. Defendants filed a statement of non-opposition, in which they join plaintiff's request for remand. ECF No. 8.

1 Recently, the Supreme Court announced that when a plaintiff amends her complaint to
2 delete the federal-law claims that enabled removal, leaving only state-law claims, federal courts
3 lose supplemental jurisdiction over the state claims, and the case must be remanded. *Royal Canin*
4 *U. S. A., Inc. v. Wullschleger*, No. 23-677, 2025 WL 96212, at *11 (U.S. Jan. 15, 2025). Plaintiff
5 has deleted her federal claims, and so remand is warranted.

6 Accordingly, it is hereby ORDERED:

- 7 1. Defendants' request for clarification, ECF No. 3, is DENIED as moot.
8 2. The Clerk of Court is directed to randomly assign a district judge to this action.

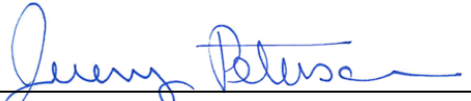
9 Further, it is hereby RECOMMENDED that:

- 10 1. Plaintiff's motion to remand, ECF No. 7, be GRANTED.
11 2. This case be REMANDED to the Superior Court of the State of California in and for
12 the County of Sacramento.
13 3. The Clerk of Court be directed to send a certified copy of this order to Superior Court
14 of California in and for the County of Sacramento and to close the case.

15 These findings and recommendations are submitted to the United States District Judge
16 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of
17 service of these findings and recommendations, any party may file written objections with the
18 court and serve a copy on all parties. Any such document should be captioned "Objections to
19 Magistrate Judge's Findings and Recommendations," and any response shall be served and filed
20 within fourteen days of service of the objections. The parties are advised that failure to file
21 objections within the specified time may waive the right to appeal the District Court's order. *See*
22 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir.
23 1991).

24
25 IT IS SO ORDERED.

26 Dated: January 28, 2025

27 
28 JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE